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CRL RC No. 223 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

Crl.R.C.No.223 of 2013

M.Thangavel

..Petitioner(s)

Vs.

1. M.Balasubramani
S/o.Muthusamy
2. The Public Prosecutor
District Court Complex
Tirupur.

..Respondent(s)

Prayer: Criminal Revision Petition filed under Section 397 Cr.P.C. r/w 401 of Cr.P.C. to call for the records pertaining to the Judgment dated 06.02.2013 passed by the Learned Principal Sessions Judge, Tirupur, in Crl.Appeal No.28 of 2012 filed against the Judgment dated 22.10.2012 passed in STC No.5708/2010 by the Learned Judicial Magistrate No.I, Tiruppur.

For Petitioner(s): Mr.D.Nellaiappan

For Respondent(s): Mr.Manibharathi-B (MS.2096/2023)
for Mr.Chinnaraj – R1

Mr.S.Udayakumar
Government Advocate (Crl. Side)
Assisted by Ms.Harshana.T - R2

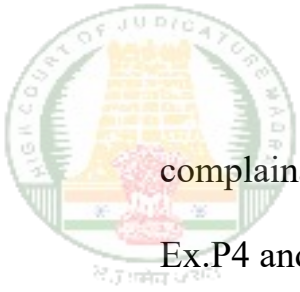
ORDER

This Revision is filed by the petitioner, who is an accused in 138 of



Negotiable Instruments Act case filed by the respondent as complainant in S.T.C.No.5078 of 2010. The trial Court vide judgment dated 22.10.2012 convicted the petitioner, sentenced him to undergo one year Simple Imprisonment and directed the petitioner to pay the cheque amount of Rs.85,000/- as compensation. Aggrieved against the said order, the petitioner preferred an appeal before the Principal Sessions Court, Tiruppur, in C.A.No.28 of 2012. The learned Sessions Judge, vide judgment dated 06.02.2013 dismissed the appeal and confirmed the conviction and sentence of the trial Court, against which the present Revision.

2.The gist of the complaint is that the petitioner and the 1st respondent are known to each other for more than a year prior to the loan. On 03.03.2010, the petitioner for his urgent business and family needs approached the 1st respondent for a hand loan of Rs.85,000/- and undertook to repay the same within a period of one month. Thereafter, the loan was not paid and on persisting demand, the petitioner had given a cheque drawn on Tamil Nadu Mercantile Bank, bearing No.391950 dated 03.04.2010 for Rs.85,000/-. When the subject cheque was presented for encashment on 09.09.2010, the same was returned for the reasons “funds insufficient”. Thereafter, statutory notice was issued on 14.09.2010. Though, the petitioner received the notice on 16.09.2010, he neither paid the cheque amount nor replied to the statutory notice. Thereafter, following the procedure, complaint filed by the 1st respondent and



complainant examined himself as P.W.1 and marked four documents Ex.P1 to Ex.P4 and the petitioner marked one document Ex.D1.

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3.The learned counsel for the petitioner, without going into the merits of the case, submitted that the cheque amount of Rs.85,000/- paid to the 1st respondent by way of demand draft dated 20.09.2018 and the reproduction of the demand draft has been recorded in the earlier order of this Court dated 18.12.2025. Further, he produced the affidavit of the 1st respondent confirming the receipt of cheque amount and he has no objection in compounding the offence.

4.Though the learned counsel for the 1st respondent appeared before this Court, he was unable to confirm the payment. Hence, this Court vide order dated 13.02.2026 directed the Inspector of Police, Tiruppur, to find out the whereabouts of the 1st respondent and to inform him about the pendency of the case.

5.Mr.Karthikeyan, the Inspector of Police, North Police Station, Tiruppur City, caused an enquiry and unable to find the 1st respondent in the address given and he further enquired one Zakir Hussain, Kumar and Mohanasamy who are the local residents and the Village Administrative Officer, and submitted a report that whereabouts of M.Balasubramani, S/o.Muthusamy is not known and he is not residing in the said address for a long period.



6. Thereafter, the petitioner addressed a letter to the IDBI Bank, Tiruppur Branch to confirm whether the demand draft No.032397, favouring M.Balasubramani issued on 20.09.2018 for Rs.85,000/- has been encashed by the said M.Balasubramani or not. The IDBI Bank, Tiruppur Branch confirmed that the demand draft No.032097 has been encashed and M.Balasubramani was paid on 26.09.2018. The letter and the transaction details given by the IDBI Bank are scanned below:



IDBI BANK
CIN: L65180MH2004CO1148838

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To,

Mr. M.Thangavel
Prop: M/s. Green Axis Trading Solution
5/187 A, Elai Thottam,
Karadivar [P.O.]

SUB: DD PAID STATUS

Dated-17.02.2026

Sir,

With reference to your query pertaining to DD issued from M/s. Green Axis Trading Solution, bearing account number 0113102000121736, We hereby confirm that DD number 032397, favouring Mr. M. Balasubramaniam, issued on 20-09-2018 for Rs.85000 has been paid on 26-09-2018 and DD number 032398 issued on 20-09-2018 for Rs.125000 favouring M. Balasubramaniam has been paid on 25-09-2018

This is for your kind information.

Yours Sincerely,



(Authorised Signatory)

आईडीबीआई बैंक लि., 112/23, वेला टॉवर्स, इंदिरा नगर, फर्स्ट स्ट्रीट, अविनेशी रोड, तिरुपुर, पिन - 641603 तमिलनाडु
IDBI BANK LTD., 112/23, Vela Towers, Indira Nagar, 1st Street, Avinashi Road, Thirupur Pin - 641603 Tamil Nadu

आईडीबीआई बैंक लि., आईडीबीआई टॉवर, वल्लुटोली कॉम्प्लेक्स, कुरु रोड, मुंबई - 400 005 Website: www.idbibank.in
IDBI Bank Ltd., IDBI Tower, WTC Complex, Curle Road, Mumbai - 400 005. Website: www.idbibank.in



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Universal Banking Solution from Infosys

ward Cheques Inquiry

Ac. ID * 11330100010050 HR 113 IDBI OMNIPAY-PAY DU ACCOUNT
From Cheque Nos. 32367 To Cheque Nos. 32368
From Date 16-09-2018 To Date 17-02-2020

Clear

Ac. ID	Ac. Name	Balance
11330100010050	IDBI OMNIPAY-PAY DU ACCOUNT	1,26,51,225.46 Cr

Transaction No.	Cheque No.	Cheque Status	Payee Name	Details	View Detail
16-09-2018	32368	PASSED	R BALASUBRAMANI	ICTS2 / 26-09-2018 / 945 / 1,26,000.00 / ICTS2 PW CLEARING	
16-09-2018	32367	PASSED	M BALASUBRAMANIAM	ICTS2 / 26-09-2018 / 945 / 55,000.00 / ICTS2 PW CLEARING	

7.The Inspector of Police had also collected similar details from the IDBI Bank, Tiruppur Branch and produced them before this Court today.



8. In view of the fact that the cheque amount of Rs.85,000/- has been paid by the petitioner and the 1st respondent given an undertaking to compound the offence, and despite several steps taken to confirm the receipt of the cheque amount by the 1st respondent, he could not be found. Hence, after getting the proof from the bank concerned, it is confirmed that the amount has been paid.

9. In light of above, this Court by invoking its inherent powers, compounds the case. The petitioner is acquitted from all charges from the above case.

10. At this juncture, the learned counsel for the petitioner submitted that at the time of preferring the appeal, the learned Principal Sessions Judge, Tiruppur, directed the petitioner to deposit 25% of the cheque amount viz. Rs.21,250/- before the trial Court in S.T.C.No.5708 of 2010

11. The 25% amount paid by the petitioner is directed to be repaid to the petitioner along with accrued interest, if any, on filing a Memo along with this order copy dispensing notice to the respondent.



M.NIRMAL KUMAR, J.

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12.This Court appreciates the efforts taken by Mr.Karthikeyan, the Inspector of Police North Police Station, Tiruppur City, to find out the whereabouts of the 1st respondent.

13.This Criminal Revision Case stands allowed accordingly. The bail bonds, if any, executed by the petitioner shall stand cancelled. The Registry is directed to transmit the original records if any, to the respective Courts forthwith.

18-02-2026
(1/2)

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To.

1.The Judicial Magistrate No.I
Tiruppur

2.The Principal Sessions Judge
Tiruppur

3.The Public Prosecutor
High Court of Madras
Chennai 600 104

Crl.R.C.No.223 of 2013
(1/2)



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